PATENT: AH0948Q

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Chung *et al*   )   Examiner: N. Levy
)
Serial No.: 09/431,519   )   Group Art Unit: 1616
)
Filed: November 1, 1999   )   Atty. Docket No.: AH0948Q

For: **IMPROVED GROWTH STIMULANT COMPOSITIONS**

Assistant Commissioner for Patents & Trademarks
Washington, D.C. 20231

AMENDMENT

Sir:

        This Amendment is in response to the Office Action of July 14, 2000, in the above-identified patent application. Please amend the application as follows:

IN THE CLAIMS:

        Claim 1 (amended):   An anabolic implant dual formulation composition for stimulating increased rate of growth, greater amount of growth and greater feed efficiency in cattle, said composition comprising: (i) an immediate-release first formulation [comprising] consisting essentially of an anabolic agent, and (ii) a controlled-release second formulation comprising an anabolic agent and a controlled-release agent, wherein said immediate-release formulation and said controlled-release formulation cooperate to effect said stimulation.

REMARKS

        Claims 1-42 are pending in the application. Claims 21-42 were withdrawn from consideration and Claims 1-20 are under prosecution. The Examiner rejected Claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite for the use of the term "cooperate". The Examiner states that it is indeterminate as to how "cooperation" is to be effected by the formulations, and which portion thereof contributes to the cooperation means. Applicants would like to respectfully traverse the rejection. The term "cooperate" is not necessarily indefinite. In a formulation containing several ingredients as in the instant case, the observed effect of the formulation is generally the result of a cooperative effect of the ingredients. In such instances, it is customary in claim language to use the term "cooperate" or "cooperation". See, for instance, U.S. 5,156,888, claim 19. Furthermore, in the instant